

R E M A R K S

The Office required restriction and election in an Office Action mailed November 14, 2006 (“first Office Action”). The first Office action required, among other things, election of “one DNA and one corresponding amino acid sequence from claim 14.” First Office Action, page 3.

Applicants responded to the first Office Action in the Amendment and Response to Restriction Requirement filed December 14, 2006. The Examiner issued the pending Office Action upon reconsideration of the claims filed in Applicants’ amendment and response. Applicants note with gratitude that the Examiner does not require an election of one DNA and one corresponding amino acid sequence in the pending Office Action.

1. Status of the Claims

Claims 1-29 stand cancelled. Claims 30-38 stand pending and under a restriction requirement.

2. Election Without Traverse

Applicants elect **Group I** (*i.e.*, claims 30-31, 33-35 and 37) for further prosecution, **with traverse**.

Applicants respectfully request that Group II be recombined and searched with Group I. Because the present application is a National Stage application, the Office must determine whether the claims possess unity of invention, applying the PCT rules and administrative instructions, as codified under 37 C.F.R. § 1.475. As such, the Office has to consider unity of invention only in relation to the *independent* claims of a National Stage application. *See* M.P.E.P., Administrative Instructions Under the PCT, Annex B, Unity of Invention, at AI-57, 8th ed., revised Augus7, 2006. In the present application, Group II includes claims 32 and 33, which depend from claim 30; claim 30 falls within elected Group I. Maintaining the claims across these two groups would be improper in view of the rules. Accordingly, Applicants traverse on the ground that Group II should be recombined and searched with Group I.

Attorney Docket No.: 47232.5010
Application No.: 10/507,106
Amendment Dated:
Reply to Office Action Dated: March 7, 2007

PATENT

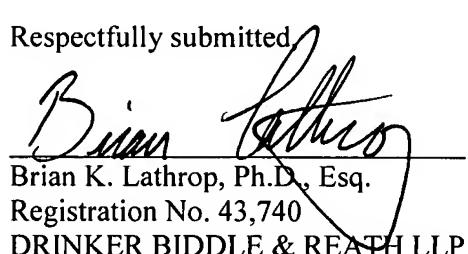
C O N C L U S I O N

Should the Examiner have any questions or comments regarding Applicants' response, he is asked to contact Applicants' undersigned representative at (202) 842-8862. Please direct all correspondence to the below-listed address.

In the event that the Office believes that there are fees outstanding in the above-referenced matter and for purposes of maintaining pendency of the application, the Office is authorized to charge the outstanding fees to Deposit Account No. 50-0573. The Office is likewise authorized to credit any overpayment to the same Deposit Account Number. The undersigned is signing in his authority under 37 C.F.R. § 1.34.

Respectfully submitted,

Date: April 2, 2007



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